

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

United States Courts  
Southern District of Texas  
FILED

SEP 29 2004

**Michael N. Milby, Clerk of Court**

## **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,**

Spiral notebook

**CIVIL ACTION NO.**

H-04 3787

**Plaintiff,**

v.

**DOLGENCORP OF TEXAS, INC., d/b/a  
DOLLAR GENERAL and DOLLAR  
GENERAL CORP.,**

## Defendants.

**JURY TRIAL DEMAND**

**ORIGINAL COMPLAINT  
OF THE  
EMPLOYMENT OPPORTUNITY COMMISSION**

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TO THE HONORABLE UNITED STATES DISTRICT COURT:

## NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Daleena F. Bond, who was adversely affected by such practices. As alleged with greater particularity in paragraphs 10-14 below, Ms. Bond was subjected to unlawful sexual harassment while working for Defendants.

## JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a ("Title VII").

2. The unlawful employment practices alleged in this complaint were committed within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division. Venue is appropriate in this court.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Dolgencorp of Texas, Inc. ("Dolgencorp"), has continuously been a Kentucky corporation doing business in the State of Texas and the City of Houston, and has continuously had at least 15 employees.

5. At all relevant times, Dolgencorp has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h). Dolgencorp may be served with process by serving its registered agent, Corporation Service Company, d/b/a CSC-Lawyers Incorporating Service Company, which may be found at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

6. At all relevant times, Defendant Dollar General Corp. ("DGC"), has continuously been a Tennessee corporation, and has continuously had at least 15 employees.

7. At all relevant times, DGC has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Daleena Bond filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least March or April 2003, Defendants have engaged in unlawful employment practices at Dollar General Store #8132 in Houston, Texas, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §§ 2000e-2(a).

10. While working for Defendants, Daleena Bond was subjected to an unlawful, sexually hostile environment.

11. Robert Dotson was the Store Manager of Dollar General Store #8132. Dotson was the supervisor of Bond, who was assistant manager.

12. Dotson subjected Bond to unwelcome sexual propositions and comments and to offensive touching. Dotson often brushed up against Bond deliberately, including rubbing against her breasts and backside; he also rubbed his hand down her back and her arms, and made inappropriate comments to her, such as "I'm horny."

13. On multiple occasions, Bond complained about Dotson's conduct to area manager Rich Redmer. Bond also told Jerry Torlucci, asset protection supervisor, about her complaints concerning Dotson, and she telephoned DGC's Employee Response Center.

14. Defendants found that Dotson had engaged in "inappropriate communication and contact with employees." The harassment of Bond continued, however, and Bond was compelled to leave the company.

15. The effect of the practices complained of in paragraphs 10-14 above has been to

deprive Daleena Bond of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex.

16. The unlawful employment practices complained of in paragraphs 10-14 above were intentional.

17. The unlawful employment practices complained of in paragraphs 10-14 above were done with malice or with reckless indifference to the federally protected rights of Daleena Bond.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants Dolgencorp of Texas, Inc., and Dollar General Corporation, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex, and other unlawful employment practices which discriminate on the basis of sex.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendants to make whole Daleena Bond by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to her reinstatement.

D. Order Defendants to make whole Daleena Bond by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in

paragraphs 10-14 above, including job search expenses, relocation expenses, and medical expenses not covered by Defendants' employee benefit plan, in amounts to be determined at trial.

E. Order Defendants to make whole Daleena Bond by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 10-14 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay Daleena Bond punitive damages for its malicious and reckless conduct described in paragraphs 10-14 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

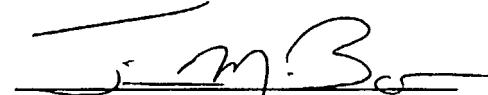
H. Award the Commission its costs of this action.

Respectfully submitted,

Eric S. Dreiband  
General Counsel

James L. Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel  
Equal Employment Opportunity  
Commission  
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I(a) PLAINTIFFS  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES) *(initials)*(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Timothy M. Bowne, Trial Attorney  
EEOC-Houston District Office  
1919 Smith Street, 7th Floor  
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## II. BASIS OF JURISDICTION

(PLACE AN x IN ONE BOX ONLY)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

## DEFENDANTS

Dolgencorp of Texas, Inc., d/b/a Dollar General and Dollar General Corporation

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT. Harris  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVEDUnited States Court  
Southern District of Texas  
FILED

SEP 29 2004

*Michael N. Milby, Clerk of Court*

III. CITIZENSHIP OF PRINCIPAL PARTIES		(PLACE AN x IN ONE BOX (For Diversity Cases Only))	FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)	
PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place	<input type="checkbox"/> 4 <input type="checkbox"/> 4	of Business in This State
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place	<input type="checkbox"/> 5 <input type="checkbox"/> 5	of Business in Another State
Citizen or Subject of a	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6	Foreign Country

## IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Defendant has engaged in unlawful employment practices in violation of Section 703 of Title VII, and Section 102 of the Civil Rights Act of 1991. The practices include subjecting a woman to an unlawfully hostile work environment.

## V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>		
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-- Med Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury--Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 450 Commerce/ICC Rates/etc
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 891 Agricultural Acts
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment		<input type="checkbox"/> 862 Labor/Lung (923)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations		<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 890 Other Statutory Actions
			<b>SOCIAL SECURITY</b>	
			<input type="checkbox"/> 710 Fair Labor Standards Act	
			<input type="checkbox"/> 720 Labor/Mgmt Relations	
			<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act	
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	

## VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

1 Original Proceeding  
 2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened

Transferred from

 5 another district  
(specify) 6 Multidistrict LitigationAppeal to District  
 7 Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION

 UNDER F.R.C.P. 23

## DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND:  YES  NO

## VIII. RELATED CASE(S) IF ANY (See instructions)

JUDGE

DOCKET NUMBER

DATE  
9/28/04SIGNATURE OF ATTORNEY OF RECORD  
*J. M. B.*

UNITED STATES DISTRICT COURT